

3761
PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Tanaka et al.

Examiner: Dawson, Glenn K.

Serial No.: 09/322,201

Group: Art Unit 3761

Filed: May 28, 1999

Docket: 2508 (203-3453)

For: SPECIALLY SHAPED BALLOON
DEVICE FOR USE IN SURGERY
AND METHOD OF USE

Dated: June 19, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**AMENDMENT TRANSMITTAL FORM**

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. § 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity under 37 C.F.R. § 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. RATE FEE	ADDIT. RATE FEE
TOTAL	41*	MINUS 42**	=	X 9 \$ 0	X 18 \$ 0
INDEP.	5*	MINUS 5**	=	X 42 \$ 0	X 84 \$ 0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				X 140 \$ 0	X 280 \$ 0
				TOTAL \$ 0	OR TOTAL \$ 0
				ADDIT. FEE	\$ -0-

* If the entry in Co. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

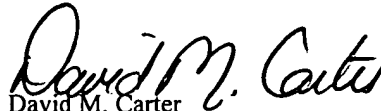
*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 19, 2003.Dated: June 19, 2003
David M. Carter

- ☐ Please charge Deposit Account No. 50-2140 in the amount of \$____. Two (2) copies of this sheet are enclosed.
- ☐ A check in the amount of \$_____ is enclosed.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,



David M. Carter
Reg. No. 30,949
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP

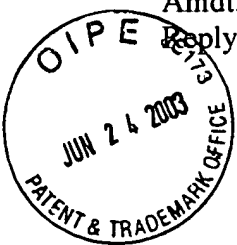
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DMC/DAB/dag

Appl. No. 09/322,201
Amdt. dated June 19, 2003
Reply to Office Communication mailed May 23, 2003

Atty. Docket: 2508 (203-3453)

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FOR USE IN SURGERY AND METHOD OF USE**

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P.O. Box 1450
Alexandria, VA 22313-1450

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COMMUNICATION

Sir:

In response to the Office Communication mailed on May 23, 2003, please consider the following remarks regarding the above-identified application.

REMARKS

The above-referenced application has been reviewed in light of the Office Communication mailed May 23, 2003, the Office Action mailed August 12, 2002, and Applicants' Amendment mailed on December 11, 2002. In the Office Communication it was asserted that Applicant's Amendment mailed on December 11, 2002 was not fully responsive to the Office Action as the patentable subject matter of new claims 43-45 was not identified or compared to the prior art of record.

To summarize the Office Action mailed August 12, 2002, claims 1, 4-6, 8-10, 12-16, 20, 21, 23-26, 30, 31, 37 and 39 were rejected under 35 § 102(b) as being anticipated by Kieturakis

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Dated: June 19, 2003

David M. Carter